

REMARKS/ARGUMENTS

Claims 1-14 are pending in this application. Claims 1-14 stand rejected under 35 U.S.C. § 103. Applicants are submitting this Amendment and Response After Final Office Action to amend claims 1, 2, 5, 6, 7, 8, 12 and 14 to more clearly define Applicants' invention.

Applicants respectfully request this Amendment and Response be entered to place the claims in condition for allowance. Applicants submit that the present amendment does not raise any new issues.

Rejection of Claims under 35 U.S.C. § 103

The Office Action rejected claims 1-14 under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,131,087 to Luke et al. ("Luke").

The Office Action acknowledged Applicants' argument in their January 29, 2007 Amendment and Response that:

"Luke does not teach or suggest: (a) transmitting responses to the requestor, as well as all traders who have responded to the RFP, and (b) allowing only the requestor and traders who have responded to the RFP to trade on the responses during an exclusive period."

However, the Office Action asserts that such argument is not persuasive on the basis that "the features [] upon which applicant relies are not specifically recited in the rejected claim(s)." Specifically, the Office Action interpreted the language of Applicants' then-pending claims (which recited receiving "one or more responses" from "one or more requestors") to read on "one requestor and one responder with one transmitted response." The Office Action further asserted that Luke discloses exclusive trading between one requestor and one responder.

Applicants have amended the claims to clarify that the system provides for an exclusive period for trading among the requestor and two or more responders. Specifically, Applicants have amended the independent claims as follows:

Claim 1

"receiving two or more responses to said RFP from two or more responders, each said responder providing at least one said response"; and

"allowing said two or more responders to trade on said two or more responses during a second period, each said trader not being allowed to trade on said two or more responses during said second period unless said trader comprises said requestor or said two or more responders".

Claim 8

"receiving two or more responses to said RFP from two or more responders, each said responder providing at least one said response"; and

"allowing said two or more responders to trade on said responses during a second exclusivity period, said traders not being allowed to trade on said responses during said second exclusivity period unless each such trader comprises a requestor or said one or more responders".

Claim 12

"receive two or more responses from two or more responder workstations"; and

"allow said two or more responders to trade on said responses during a second period, each said plurality of traders not being allowed to trade on said responses during said second period unless each said trader comprises said requestor or said two or more responders".

Claim 14

"a means for receiving two or more responses to said RFP from two or more responders, each said responder providing at least one said response"; and

"a means for allowing said two or more responders to trade on said responses during said second period at the expiration of said first period, each of said plurality of traders not being allowed to trade on said response during said second period unless each said trader comprises said requestor or said two or more responders".

Accordingly, Applicants believe the claims are now distinguished over the prior art and in condition for allowance.

Dependent claims 2-7, 9-11 and 13, depend on independent claims 1, 8 and 12, respectfully, and are believed patentable, *inter alia*, by virtue of such dependency.

In view of the forgoing supporting remarks, Applicants respectfully request allowance of claims 1-14.

If the Examiner wishes to direct any questions concerning this application to the undersigned Applicants' representative, please call the number indicated below

Respectfully submitted,

Skadden, Arps, Slate, Meagher & Flom LLP

By 

Andrew F. Strobert, Reg. No. 35,375

Skadden, Arps, Slate, Meagher & Flom LLP
4 Times Square
New York, New York 10036
Tel.: 212-735-3272